

# Noncompliant Practices

**The list below was compiled from a list of practices that were found to be noncompliant in the 2013-2014 Special Education Compliance Monitoring Reports and has been created to assist districts in preparing for compliance monitoring visits.**

“When the monitoring team was verifying evidence of compliance, the team found evidence that the district had a practice of “waiving” time periods. Written invitations for parent participation may be waived with the written consent of the parent in accordance with 1103.02(b). Seeking to have parents waive time limits beyond written invitations is not in accordance with IDEA and the New Hampshire Rules for the Education of Children with Disabilities.”

“When the monitoring team was verifying the evidence of compliance, the district was using a form titled “Parental Permission to Waive Time Limits.” Although the form complied with Ed 1103.02(b), it did not comply with Ed 1120.04(c), Ed 1120.04(d), 34 CFR 300.300, Ed 1107.01(d), Ed 1106.01(d), and 34 CFR 300.323 (c). The form erroneously seeks to have parents waive time limits that are not able to be waived in accordance with IDEA and the New Hampshire Rules for the Education of Children with Disabilities. None of the student files reviewed utilized the waiver options that were not permissible in the New Hampshire Rules for the Education of Children with Disabilities and therefore, there were no individual instances of noncompliance.”

“Upon review of Policy #IHBAA - Determination of Eligibility of Specific Learning Disability along with the district created form, Specific Learning Disability Eligibility Checklist; the monitoring team discovered that the eligibility checklist could potentially be viewed as limiting. The determination of a specific learning disability relies on the professional judgment of the team using multiple supporting evidences. The form that is currently being used does not instruct the team to look at a “variety of sources” and that the information from the sources are “documented and carefully considered.” It appears that the questions build upon “if yes/no then proceed to the next question.” Criteria cannot be answered by “yes or no” answers but rather the group should consider the language and the criterion and make a decision as a result of the process, not a simple “yes or no.” The omitting of specific language regarding the process of the group is not consistent with the spirit of IDEA.”